



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,327	12/12/2003	Robert J. Sweeney	279.188US2	1353

21186 7590 12/01/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

CIRIC, LJILJANA V

ART UNIT PAPER NUMBER

3744

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/734,327	Applicant(s) SWEENEY ET AL.	
	Examiner Ljiljana (Lil) V. Ciric <i>AVC</i>	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-6 and 11-16 is/are rejected.  
 7) ☒ Claim(s) 7-10 and 17-20 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 12/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20060825</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on August 25, 2006 has been entered.

***Claim Objections***

2. Claims 1 through 20 are objected to because of the following informalities: "configured" should be inserted immediately following "memory" [claim 1, line 7; claim 11, line 7] and immediately preceding "to compute curvatures" [claim 1, line 9; claim 11, line 8]; "the analyzer" [claim 6, line 1; claim 14, line 1] should be replaced with "the analyzing module"; "with" [claim 7, line 2; claim 17, line 2] should be replaced with "using"; "a voltage" [claim 7, line 4] should be replaced with "the voltage"; "cardiac" should be inserted immediately preceding "signal" [claim 7, line 4; claim 8, line 3; claim 13, line 2]; "curvature" [claim 7, line 5] should be replaced with "curvatures"; "a set" [claim 9, line 1] should be replaced with "the set"; "times" [claim 9, line 3; claim 15, line 2] should be replaced with "time"; "occur" [claim 9, line 4] should be replaced with "occur"; "extracted" should be inserted immediately preceding "features" [claim 10, line 2]; "to" should be inserted immediately preceding "continuously" [claim 11, line 9] and "compare" [claim 11, line 11]; "signal" should be inserted immediately preceding "complex" [claim 12, line 2; claim 16, line 3]; "stored" should be inserted immediately preceding "features" [claim 16, line 2]; "the" should be inserted immediately preceding "average" [claim 17, line 4];

Art Unit: 3744

“sensed” should be inserted immediately preceding “cardiac” [claim 17, line 8]; and, “the” should be inserted immediately preceding “curvature” [claim 18, line 1]. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 through 6 and 11 through 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Max-Planck-Gesellschaft (DE 44 05 827 A1, made of record via IDS).

Max-Planck-Gesellschaft discloses a cardiac rhythm management system as shown in Figures 2 and 3 including, for example: at least one electrode 120; a signal sensing circuit 122 coupled to the electrode 120; a controller coupled to the sensing circuit 122, the controller including a memory 130 and a template memory 130, an analyzing module 128, and, a scoring module 28. Little or no patentable weight is given to intended use limitations in the claims, such as “the analyzing module to compute curvatures....”.

The reference thus reads on the claims.

***Allowable Subject Matter***

5. Claims 7 through 10 and 17 through 20 are objected to based on informalities contained therein, but contain allowable subject matter and would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a flexible schedule, but can normally be reached weekdays between 10:30 a.m. and 6:30 p.m.

Art Unit: 3744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ljiljana (Lil) V. Ciric  
Primary Examiner  
Art Unit 3744